

ASSEMBLY BILL

No. 2191

Introduced by Assembly Member Norby

February 23, 2012

An act to amend Sections 81009.5, 82013, 82023, and 85703 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2191, as introduced, Norby. Political Reform Act of 1974: county central committees.

The Political Reform Act of 1974 requires elected officers, candidates for elective office, and committees to prepare and file various campaign finance reports, as specified. The act defines “committee” to include, among other things, any person or combination of persons who directly or indirectly receive contributions totaling \$1,000 or more in a calendar year. The act defines “elective office” to expressly include membership on a county central committee of a qualified political party, thereby making elected members of, and candidates for election to, a county central committee of a qualified political party subject to the reporting requirements of the act.

This bill would revise the definition of “elective office” to exclude membership on a county central committee of a qualified political party and would revise the definition of “committee” to exclude an entity that is primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

The act imposes limitations on contributions by persons to candidates for elective state office and permits local jurisdictions to impose additional contribution limitations, as specified. The act also authorizes

a local agency to impose additional filing requirements on a person, except as specified.

This bill would prohibit a local government agency from imposing filing requirements on elected members of, or candidates for election to, a county central committee of a qualified political party. The bill would also prohibit a local agency from imposing any contribution limitations or prohibitions on elected members of, or candidates for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 81009.5 of the Government Code is
2 amended to read:
3 81009.5. (a) ~~Any~~ A local government agency ~~which~~ that has
4 enacted, enacts, amends, or repeals an ordinance or other provision
5 of law affecting campaign contributions and expenditures shall
6 file a copy of the action with the ~~commission~~ Commission.
7 (b) Notwithstanding Section 81013, ~~no~~ a local government
8 agency shall *not* enact any ordinance imposing filing requirements
9 additional to or different from those set forth in Chapter 4
10 (commencing with Section 84100) for elections held in its
11 jurisdiction unless the additional or different filing requirements
12 apply only to the candidates seeking election in that jurisdiction,
13 their controlled committees or committees formed or existing
14 primarily to support or oppose their candidacies, and to committees
15 formed or existing primarily to support or oppose a candidate or
16 to support or oppose the qualification of, or passage of, a local
17 ballot measure which is being voted on only in that jurisdiction,
18 and to city or county general purpose committees active only in
19 that city or county, respectively. *However, a local government*

1 *agency shall not impose any filing requirements on elected*
2 *members of, or candidates for election to, a county central*
3 *committee of a qualified political party or on committees primarily*
4 *formed to support or oppose a person seeking election to a county*
5 *central committee of a qualified political party.*

6 SEC. 2. Section 82013 of the Government Code is amended
7 to read:

8 82013. "Committee" means any person or combination of
9 persons who directly or indirectly does any of the following:

10 (a) Receives contributions totaling one thousand dollars (\$1,000)
11 or more in a calendar year.

12 (b) Makes independent expenditures totaling one thousand
13 dollars (\$1,000) or more in a calendar year; ~~or.~~

14 (c) Makes contributions totaling ten thousand dollars (\$10,000)
15 or more in a calendar year to or at the behest of candidates or
16 committees.

17 A person or combination of persons that becomes a committee
18 shall retain its status as a committee until ~~such time as~~ that status
19 is terminated pursuant to Section 84214.

20 "*Committee*" *does not include an entity primarily formed to*
21 *support or oppose a person seeking election to a county central*
22 *committee of a qualified political party.*

23 SEC. 3. Section 82023 of the Government Code is amended
24 to read:

25 82023. "Elective office" means any state, regional, county,
26 municipal, district, or judicial office that is filled at an election.
27 "Elective office" also includes ~~membership on a county central~~
28 ~~committee of a qualified political party,~~ and membership through
29 election on the Board of Administration of the Public Employees'
30 Retirement System or the Teachers' Retirement Board. "*Elective*
31 *office*" *does not include membership on a county central committee*
32 *of a qualified political party.*

33 SEC. 4. Section 85703 of the Government Code is amended
34 to read:

35 85703. (a) Nothing in this act shall nullify contribution
36 limitations or prohibitions of any local jurisdiction that apply to
37 elections for local elective office, except that these limitations and
38 prohibitions may not conflict with ~~the provisions of~~ Section 85312.
39 *However, a local jurisdiction shall not impose any contribution*
40 *limitations or prohibitions on elected members of, or candidates*

1 *for election to, a county central committee of a qualified political*
2 *party, or on a committee primarily formed to support or oppose*
3 *a person seeking election to a county central committee of a*
4 *qualified political party.*

5 (b) Limitations and prohibitions imposed by a local jurisdiction
6 on payments for a member communication, as defined in
7 subdivision (c), that conflict with Section 85312 and which are
8 thereby prohibited by subdivision (a) include, but are not limited
9 to, any of the following:

10 (1) Source restrictions on payments for member communications
11 that are not expressly made applicable to member communications
12 by a state statute or by a regulation adopted by the ~~commission~~
13 *Commission* pursuant to Section 83112.

14 (2) Limitations on payments to a political party committee for
15 a member communication that are not expressly made applicable
16 to member communications by a state statute or by a regulation
17 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

18 (3) Limitations on the scope of payments considered directly
19 related to the making of a member communication, including costs
20 associated with the formulation, design, production, and
21 distribution of the communication such as surveys, list acquisition,
22 and consulting fees that are not expressly made applicable to
23 member communications by a state statute or by a regulation
24 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

25 (c) For purposes of this section, “member communication”
26 means a communication, within the meaning of Section 85312, to
27 members, employees, shareholders, or families of members,
28 employees, or shareholders of an organization, including a
29 communication by a political party to its members who are
30 registered with that party.

31 SEC. 5. The Secretary of State shall, pursuant to subdivision
32 (b) of Section 81012 of the Government Code, submit Sections 1
33 to 4, inclusive, of this act to the voters for approval at a statewide
34 election in accordance with Section 9040 of the Elections Code.